

Application No. 10/646,443  
 Amendment "A" and Response dated November 23, 2005  
 Reply to Office Action mailed November 1, 2005

# **REMARKS**

Applicants and Applicants' attorneys express appreciation to the Examiner for the courtesies extended during the recent interview held on November 15, 2005. Reconsideration and allowance of the above-identified application are now respectfully requested.

Claims 1-51 remain pending in the application, wherein claims 1, 13, 17-21, 29, 39, 40 and 46 have been amended. No claims were added or cancelled.

As presented herein for reconsideration, the present invention as claimed relates to kits that include (i) substantially solid dental bleaching and desensitizing compositions or (ii) dental bleaching and desensitizing devices that include a barrier layer and a treatment layer comprising a substantially solid bleaching or desensitizing composition. In one aspect (see claim 1 for example) at least one of the substantially solid dental bleaching or desensitizing compositions in the kit has a tray-like configuration and "a rigidity so as to maintain itself in the tray-like configuration absent external support". In another aspect (see claim 29 for example), the bleaching and desensitizing devices of the kit comprise a bleaching or desensitizing layer adjacent to the barrier layer, wherein at least one of the bleaching or desensitizing layers has "a rigidity so as to at least partially contribute to maintaining said dental bleaching device and/or said dental desensitizing device in the tray-like configuration prior to placing said dental bleaching device and/or said dental desensitizing device over a person's teeth".

As discussed during the Examiner Interview, one advantage of a substantially solid dental bleaching or desensitizing composition is the ability of the composition to maintain itself in the shape of a tray-like configuration in the absence of external support and/or at least partially contribute to maintaining a dental bleaching or desensitizing device in the shape of a dental tray prior to use. This contributes to the ease of placing a dental treatment composition or device over a person's teeth during use. The increased adhesion of the dental treatment composition to teeth when moistened also provides close fit of a dental bleaching and/or desensitizing composition or device to a user's teeth without requiring the use of a customized dental tray (*i.e.*, the claimed kits can be used with or include a wide range of barrier layers).

U.S. Patent Publication No. 2004/0005277 to Willison et al.<sup>1</sup> neither teaches nor suggests kits for use in bleaching and desensitizing a person's teeth as claimed and presented herein (*e.g.*,

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<sup>1</sup> Because Willison et al. is only citable under 35 U.S.C. § 102(e), Applicants do not admit that Willison et al. is in fact prior art but reserve the right to establish an invention date that predates the filing date of Willison et al.

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claims 1 and 29). During the Examiner Interview, the Examiner pointed out that Willison et al. describes the treatment composition disclosed therein as being very flexible. Indeed, Willison et al. teaches that "[t]he oral care layer has minimal flexural stiffness". Page 6, ¶ [0070].

Claim 46 recites a method that includes a substantially solid dental bleaching composition having properties discussed herein and is believed to be patentable for at least those reasons given above with respect to claim 1.

The remaining claim amendments were made to correct typographical errors and/or maintain proper antecedent basis.

Finally, Applicants are filing a Terminal Disclaimer herewith in order to avoid any obviousness-type double patenting rejections as set forth in the Office Action.

In view of the foregoing, Applicants submit that the claims as now presented are in allowable form. In the event the Examiner finds any remaining impediment to the prompt allowance of this application, which may be clarified through a telephone interview or that may be overcome by examiner amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 23<sup>rd</sup> day of November 2005.

Respectfully submitted,



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